

Resolution No.: 17-585
Introduced: October 23, 2012
Adopted: October 23, 2012

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By: District Council

SUBJECT: Request for Withdrawal Without Prejudice - Application No. G-912 for Amendment to the Zoning Ordinance Map (LMA) and Development Plan Amendment (DPA) 12-03, 4831 West Lane, LLC applicant, Patricia Harris, Attorney; 4831 and 4833 West Lane and 4901 and 4902 Montgomery Lane in Bethesda

Opinion

Zoning Application No. G-912 and DPA 12-03 were filed May 31, 2012.

The applications assumed that the right-of-way for West Lane was rezoned as part of G-843. Technical Staff reviewed the application and found that the right-of-way for West Lane was never rezoned as part of G-843, despite the fact that the overall density on an approved preliminary plan (120080050) and an approved site plan (820080030) was derived from that right-of way.

On October 12, 2012, the applicant's counsel submitted a letter requesting that the application be withdrawn "without prejudice", meaning that the time limitation for refiling does not apply.

The applicant's counsel requested a return of all fees less any out of pocket costs that the Office of Zoning and Administrative Hearings may have incurred in connection with LMA G-912.

A return of fees for DPA 12-03 was also requested. This request may not be granted under the Council approved rules for the Hearing Examiner concerning LMA and DPA applications (rule 8.2).

Under the Council approved rules for the Hearing Examiner concerning LMA and DPA applications, the Council may not consider a request for withdrawal of an LMA for 10 days from the date of the request to determine if any opposition exists to the withdrawal.

There has been no objection to the withdrawal.


Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

The Council grants the request to withdraw the cited rezoning application Zoning Application No.G-912 and Development Plan Amendment 12-03, without prejudice. The time limitations in Section 59-H-2.23 of the Montgomery County Zoning Ordinance shall not apply.

The Office of Zoning and Administrative Hearings is directed to return the fees paid for G-912 less any out of pocket costs that the Office of Zoning and Administrative Hearings may have incurred in connection with LMA G-912. The Office of Zoning and Administrative Hearings may not return the fees paid for DPA 12-03.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council